

Message Text

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ACTION EUR-12

INFO OCT-01 IO-14 ISO-00 AID-05 CEA-01 CIAE-00 COME-00
EB-08 FRB-01 INR-07 NSAE-00 SP-02 STR-04 TRSE-00
LAB-04 SIL-01 OMB-01 PA-02 PRS-01 USIA-15 /079 W
-----069034 261223Z /53

R 261154Z AUG 77

FM AMEMBASSY BONN
TO SECSTATE WASHDC 0934
INFO AMCONSUL BREMEN
AMCONSUL DUSSELDORF
AMCONSUL FRANKFURT
AMCONSUL HAMBURG
AMCONSUL MUNICH
AMCONSUL STUTTGART
USMISSION USBERLIN
AMEMBASSY PARIS
AMEMBASSY LONDON
AMEMBASSY ROME
AMEMBASSY THE HAGUE
AMEMBASSY VIENNA
AMEMBASSY STOCKHOLM
AMEMBASSY LUXEMBOURG
AMEMBASSY COPENHAGEN
AMEMBASSY LISBON
AMEMBASSY OSLO
USMISSION GENEVA
AMEMBASSY BRUSSELS
AMEMBASSY MADRID

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USEEC

E.O. 11652: N/A
TAGS: ELAB, SOCI, GW
SUBJ: FRG ESTABLISHES STUDY COMMISSION TO ABOLISH
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DISCRIMINATORY REGULATIONS FOR MALE AND FEMALE
SURVIVORS' PENSIONERS

REFS: (A) BONN 765; (B) BONN 1304
(C) BONN 1653; (D) BONN 2609; (E) BONN 5806

SUMMARY: ON AUGUST 17, THE FEDERAL GOVERN-

MENT ESTABLISHED A 17-MEMBER EXPERTS' COMMISSION TO ASSIST THE FEDERAL LABOR MINISTER IN PREPARING LEGISLATIVE AMENDMENTS THAT WILL ABOLISH EXISTING DISCRIMINATION IN MALE AND FEMALE SURVIVORS' PENSIONS, AND WILL IMPROVE OLD AGE SECURITY BENEFITS FOR WOMEN. SUCH CHANGES HAVE BECOME NECESSARY SINCE THE FEDERAL CONSTITUTIONAL COURT REQUESTED THE GOVERNMENT TAKE APPROPRIATE LEGISLATIVE ACTION BY 1984. END SUMMARY.

1. A FEDERAL CONSTITUTIONAL COURT DECISION OF MARCH 12, 1975 REQUIRES THE FEDERAL GOVERNMENT TO AMEND EXISTING PROVISIONS ON SURVIVORS' BENEFITS IN OLD AGE INSURANCE LEGISLATION AND TO PREPARE NEW, NON-DISCRIMINATORY SURVIVORS' PENSION REGULATIONS BY 1984. UNDER PRESENT LEGISLATION, A WIDOWER IS DENIED A SURVIVORS' (WIDOWERS') PENSION AFTER THE DEATH OF HIS WIFE WHO WAS ENTITLED TO RECEIVE HER OWN OLD AGE PENSION UNLESS HE WAS WHOLLY DEPENDENT UPON HER EARNINGS. FURTHERMORE, A WIDOW, AFTER THE DEATH OF HER HUSBAND WHO WAS ENTITLED TO RECEIVE AN OLD AGE PENSION, GETS ONLY 60 PERCENT OF HER HUSBAND'S FORMER OLD AGE PENSION AS HER SURVIVORS' PENSION. ON THE OTHER HAND, A MAN WHO RECEIVES HIS OWN OLD AGE PENSION RETAINS THE FULL AMOUNT OF HIS PENSION AFTER THE DEATH OF HIS WIFE

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SINCE HIS OLD AGE PENSION IS NOT REDUCED TO "SURVIVORS' PENSION" BENEFIT LEVELS. THE COURT RULED THAT PRESENT REGULATIONS ARE INCOMPATIBLE WITH THE EQUALITY PRINCIPLE, ARE DISCRIMINATORY AND MUST THEREFORE BE ABOLISHED.

2. THE COMMISSION, WHOSE 17 MEMBERS STILL HAVE TO BE APPOINTED BY THE FEDERAL LABOR MINISTER, WILL INCLUDE UNIVERSITY PROFESSORS AND EXPERT REPRESENTATIVES FROM THE BUNDESTAG Factions, THE STATE (LAENDER)

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LAB-04 SIL-01 OMB-01 PA-02 PRS-01 USIA-15 /079 W
-----069048 261222Z /53

R 261154Z AUG 77

FM AMEMBASSY BONN
TO SECSTATE WASHDC 0935
INFO AMCONSUL BREMEN
AMCONSUL DUSSELDORF
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GOVERNMENTS, TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS,
THE CHURCHES, THE GERMAN WOMENS' COUNCIL, AND THE OLD
AGE INSURANCE SYSTEM. PROFESSOR HELMUT MEINHOLD, NOW
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HEAD OF THE LABOR MINISTRY'S SOCIAL INSURANCE ADVISORY
COUNCIL (SOZIALBEIRAT) WILL BE CHAIRMAN OF THE
COMMISSION. THE COMMISSION WILL CLOSELY COOPERATE WITH
THE LABOR MINISTRY AND ASSIST MINISTERIAL EXPERTS IN
THE PREPARATION OF DIFFERENT MODELS TO BE SUBMITTED TO
THE GOVERNMENT BY SUMMER 1979. THE NEW STATE SECRETARY
IN THE LABOR MINISTRY, FRAU ANKE FUCHS, WILL COORDINATE
THE ACTIVITIES OF THE COMMISSION.

3. THE FEDERAL LABOR MINISTRY DECLARED THAT INITIAL PREPARATIONS AND CONSIDERATIONS HAD SHOWN THE DIFFICULT NATURE OF THE JOB SINCE IT WILL INVOLVE SOCIAL, LEGAL AND FINANCIAL PROBLEMS WHICH WILL REQUIRE COMPREHENSIVE AND CAREFUL STUDIES IN ORDER TO FIND A JUST AND RATIONAL SOLUTION. THE ENVISAGED MODELS MUST BE IN LINE WITH THE PROJECTED LONG-TERM DEVELOPMENT OF THE OLD AGE INSURANCE SYSTEM AND FINANCIALLY REALIZABLE.

4. COMMENT: SOME OBSERVERS BELIEVE THAT THE PROBLEM IS FINANCIALLY ALMOST INSOLUBLE UNLESS SOME TRADITIONAL PRINCIPLES OF THE GERMAN OLD AGE INSURANCE SYSTEM ARE TO BE SACRIFICED. THIS OBSERVATION MUST BE SEEN AGAINST THE BACKGROUND OF A GROWING DEFICIT AND RAPIDLY DECLINING RESERVES OF THE OLD AGE INSURANCE SYSTEM. THE DATA ON WHICH THE GOVERNMENT'S FINANCIAL RECOVERY PROGRAM WAS BASED EARLIER THIS YEAR (REF B, PARA. 3) HAVE BECOME OBSOLETE IN THE MEANTIME BECAUSE UNEMPLOYMENT FIGURES ARE HIGHER THAN ORIGINALLY ANTICIPATED. THE PRESIDENT OF THE OLD AGE INSURANCE SYSTEM FOR WHITE COLLAR WORKERS (BUNDESVERSICHERUNGS-ANSTALT FUER ANGESTELLTE), KLAUS HOFFMAN, FORESEES MAJOR FINANCIAL DIFFICULTIES FOR THE ENFORCEMENT OF THE EQUALITY PRINCIPLE IN SURVIVORS' PENSIONS SINCE

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THE LIFE EXPECTANCY OF WOMEN IS MUCH HIGHER THAN THAT OF MEN.

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
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Control Number: n/a
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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: n/a
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Executive Order: N/A
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To: STATE
Type: TE
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